

## **REMARKS**

### **I. Request to withdraw Non Final Office Action**

As per the informal telephone discussion held at the beginning of April last between Matthew Lambrinos and the Examiner, Applicant respectfully requests that the Office withdraw the Non-Final Office Action and issue a new Office Action directed to Group I, Claims 1-24, 26-38, 43, 44 and 60-67, which claims were elected in our reply dated October 23 2009.

Applicant notes that claims 1, 20 and 24 were elected as a single species subject to no generic claim being finally held allowable. Since a final decision as to the allowability of the generic claims has not yet been made, Applicant submits that the withdrawal from consideration of claims 2-19, 21-23, 26-38, 43, 44 and 60-67 is premature and unjustified.

Applicant respectfully submits that the aforementioned request to withdraw the Non-Final Office action and issue a new Office Action is justified to ensure that the Applicant has an opportunity to consider any rejections based on the elected claims. Furthermore, Applicant believes this is necessary to avoid undue burden and cost to the Applicant in responding to an Office Action which is not directed to majority of the elected claims.

### **II. Conclusion**

In view of the foregoing discussion, the Applicant has responded to the Official Action. The Applicant respectfully requests the Patent Office to withdraw the

outstanding Office Action and issue and new Office Action directed to the Applicant's elected cClaims 1-24, 26-38, 43, 44 and 60-67.

By responding in the foregoing remarks only to particular positions stated in the Office Action, the Applicant does not acquiesce with other positions that have not been explicitly addressed

Should there be any outstanding matters that need to be resolved concerning our request to issue a new Office Action, the Examiner is respectfully requested to contact the undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the present application.

Respectfully submitted,

Dated: May 3, 2010

/Matthew F. Lambrinos, Reg. 56,909/

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